

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>PRECISION CPAP, INC.;</b>	)	
<b>MEDICAL PLACE, INC.;</b>	)	
<b>PHASE III VANS, INC.,</b>	)	
<b>d/b/a EAST MEDICAL EQUIPMENT</b>	)	
<b>AND SUPPLY; and</b>	)	<b>Civil Action No.</b>
<b>MED-EX,</b>	)	<b>2:05-CV-1096-MHT-DRB</b>
	)	<b>JUDGE THOMPSON</b>
<b>Plaintiffs,</b>	)	<b>MAGISTRATE BOYD</b>
	)	
<b>vs.</b>	)	
	)	
<b>JACKSON HOSPITAL;</b>	)	
<b>MED-SOUTH, INC.;</b>	)	
<b>JMS HEALTH SERVICES, L.L.C.,</b>	)	
<b>d/b/a JACKSON MED-SOUTH HOME</b>	)	
<b>HEALTH, L.L.C.;</b>	)	
<b>BAPTIST HEALTH, INC.;</b>	)	
<b>AMERICAN HOME PATIENT, INC.;</b>	)	
<b>and</b>	)	
<b>BAPTIST VENTURES-AMERICAN</b>	)	
<b>HOME PATIENT,</b>	)	
	)	
<b>Defendants.</b>	)	

**MOTION FOR AGREED PROTECTIVE ORDER**

Pursuant to Rule 26(c), Defendants American Home Patient, Inc. (“AHP”) and Baptist Ventures-American Home Patient (“Baptist-AHP”), by and through their counsel, hereby move the Court for entry of the proposed Agreed Protective Order that has been submitted to the Court with this motion. For grounds, AHP and Baptist-AHP state:

Plaintiffs and Defendants (collectively “the Parties”) are concerned that information requested in discovery of each party includes confidential, commercial information which should not be made public. As evidenced by their signatures on the proposed Order, the Parties have each agreed to the terms of a protective order that would govern the exchange of documents and

information and that would protect the confidential, commercial information disclosed by the Parties and certain third parties for purposes of the litigation.

WHEREFORE, AHP and Baptist-AHP respectfully request the Court to enter the Agreed Protective Order that has been submitted to the Court.

Respectfully submitted,

HARWELL HOWARD HYNE  
GABBERT & MANNER, P.C.

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*Attorneys for Defendants American Home Patient, Inc. and  
Baptist Ventures-American Home Patient*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 23, 2006, a copy of the foregoing document was filed electronically. Notice of the filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt.

s/ Glenn B. Rose  
Glenn B. Rose